

UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	8:07CR179
	)	
v.	)	
	)	
BENOISE WADE,	)	FINAL ORDER OF
	)	FORFEITURE
Defendant.	)	
_____	)	

This matter is before the Court upon the United States' Motion for Final Order of Forfeiture and Memorandum Brief (Filing No. 34). The Court has reviewed the record in this case and finds as follows:

1. On September 25, 2007, the Court entered a Preliminary Order of Forfeiture pursuant to the provisions of Title 18, United States Code, Sections 922(g)(1), 924(d) and Title 28, United States Code, Section 2461(c), based upon the defendant's plea of guilty to Counts I and II of the Indictment filed herein. By way of said Preliminary Order of Forfeiture, the defendant's interest in a Smith and Wesson .38 caliber revolver, serial number J96859, was forfeited to the United States.

2. On October 11, 18 and 25, 2007, the United States published in a newspaper of general circulation notice of this forfeiture and of the intent of the United States to dispose of the property in accordance with the law, and further notifying all third parties of their right to petition the Court within the stated period of time for a hearing to adjudicate the validity of their alleged legal interest(s) in said property. An Affidavit of Publication was filed herein on November 23, 2007 (Filing No. 27).

3. The Court has been advised by the United States no Petitions have been filed.

From a review of the Court file, the Court finds no Petitions have been filed.

4. Plaintiff's Motion for Final Order of Forfeiture should be sustained. Accordingly,

IT IS ORDERED:

A. Plaintiff's Motion for Final Order of Forfeiture is hereby sustained.

B. All right, title and interest in and to the Smith and Wesson .38 caliber revolver, serial number J96859, held by any person or entity, is hereby forever barred and foreclosed.

C. The Smith and Wesson .38 caliber revolver, serial number J96859, be, and the same hereby is, forfeited to the United States of America .

D. The United States Bureau of Alcohol, Tobacco and Firearms for the District of Nebraska is directed to dispose of said property in accordance with law.

DATED this 26th day of November, 2007.

BY THE COURT:

/s/ Lyle E. Strom

---

LYLE E. STROM, Senior Judge  
United States District Court